Title: A Brief History of Oil Spill Policy in Washington: Complacency or Vigilance?

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Date: March 2005

Keywords: oil, spill, prevention, and, response

I. INTRODUCTION

On March, 24th[rd] 1989, the 987-foot *Exxon Valdez* set off on a routine trip through Prince William Sound after taking on over 53 million gallons of crude oil from the Alyeska Pipeline Terminal. Less than three hours after departure, the tanker grounded on Bligh Reef and subsequently spilled over 10.8 million gallons of its noxious cargo, oiling 1,300 miles of shoreline (EVOSTC 2005). The enormous spill incited a wave of public outrage and forced state and federal authorities to reevaluate oil transportation policies and oversight on a national scale. The ensuing investigations helped to expose a climate of complacency, which was ultimately responsible for one of the largest and most destructive marine oil spills of the twentieth century.

Shortly after the Alaska catastrophe, and in conjunction with the federal government and other states, the Washington State Legislature began to scrutinize its own policies, and in 1990 and 1991, responded with a series of new mandates and regulatory activity**.** Yet, despite some progress, state oil spill prevention and response policies are significantly under funded and, as local coverage reveals, state government too quick to give in to industry demands. Consequently, Washington's marine waters remain susceptible to the same climate of complacency and political pressure that led to the *Exxon Valdez* spill over fifteen years ago.

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) provides an example of a promising solution to the pressures that continue to limit oil spill prevention in Puget Sound. The PWSRCAC is an independent, industry funded, non-profit organization established by citizens of Alaska and authorized by the Oil Pollution Act of 1990 (OPA-90). The Council's primary objective is to ensure continuous vigilance with regard to oil spill prevention and response for the Prince William Sound region.

The following analysis addresses the need for more effective mechanisms to combat complacency and maximize preventative oil spill measures for Puget Sound. For the purpose of this paper, Puget Sound refers to Puget Sound, Northwest Straits, and associated waterways. Section Two provides an overview and brief history of oil spill polices affecting the Puget Sound region. Section Three describes and analyzes the Prince William Sound Regional Citizen's Advisory Council. Section Four assesses the limitations of current Puget Sound oil spill prevention measures in the light of the recent Dalco Passage spill and evaluates the need to establish a Puget Sound advisory council modeled after the PWSRCAC.

II. WASHINGTON STATE OIL SPILL POLICY OVERVIEW

The evolution of Puget Sound oil spill prevention and remediation strategies has been complex, slow, and reactive. Faced with competing demands and limited resources, state regulators struggle to maintain vigilance once the memory of spills fades. Frequently, government action comes too late, following, rather than preventing significant oil spills.

A. Early Oil Spill Legislation

The discovery of the Alaska North Slope oil fields in the late 1960s provided the initial impetus for the Washington Legislature to pass spill related legislation. Anticipating the influx of oil shipments from Alaska and the newly discovered reserves, lawmakers passed the Water Pollution Control Act in late 1970 establishing legal and financial penalties for discharging oil into state waters and directing the Department of Ecology (DOE) to oversee state cleanup procedures (RCW 90.48.315-90.48.378).

This legislation, however, proved to be inadequate. Lack of funding forced the DOE to rely on a team of employees willing to take on additional responsibility to manage the state response strategy. The team consisted of individuals working in different regional offices and specializing in different program areas. Also, the threat of liability did little to enhance prudence by marine pilots and oil handlers (DOE 1997). Between 1971 and 1973, three major spills occurred in Washington, including 2.3 million gallons of heavy fuel oil discharged from a Navy ship, the *M.C. Meigs,* into the Strait of Juan de Fuca. Despite damage caused by spills throughout the 1970s, lawmakers refused to provide the funding necessary to expand state oil spill prevention and response capabilities (DOE 1997).

B. Puget Sound Water Quality Management Plan

Amidst a growing concern over the deteriorating health of Puget Sound in the mid 1980s, the Washington Legislature passed the Puget Sound Water Quality Act in 1985. This legislation created the Puget Sound Water Quality Authority (the Authority) to develop and oversee the implementation of the Puget Sound Water Quality Management Plan, a long-term action plan intended to protect and restore Puget Sound by coordinating the different federal, state, local, and tribal programs. The state adopted its first management plan in 1987 and completes updates every two years as required by law (PSAT 2000).

Shortly after the Authority began work on its first management plan, the *Arco Anchorage* spilled 239,000 gallons of crude near Port Angeles, WA (USCG 2000). Reacting to the accident, the Authority hastily created an Oil Spill Response Planning Program and incorporated it into the first management plan. Then, in 1988, a collision with a tugboat caused the *Nestucca* barge to spill 231,000 gallons of number 6 fuel oil near the mouth of Grays Harbor. Responding to this local incident and to national attention surrounding the *Exxon Valdez* a year later, the Authority began to prioritize and modify the Puget Sound oil spill program (PSWQA 1990).

The 1989 management plan update contained three primary revisions to its oil spill program. First, the Authority renamed the program the Oil Spill Prevention and Response Program to reflect a new commitment to prevention. Second, the Authority directed the DOE to improve spill response measures and update its state spill contingency plan. Third, the new plan created the Spill Prevention and Response Advisory Committee to advise the Authority and the DOE on issues relating to petroleum and hazardous spill prevention and response (PSWQA 1990).

In the years following the *Exxon Valdez* spill, the Authority made significant contributions to state oil spill policy by helping to coordinate and prioritize the state oil spill prevention and response efforts. Today, the Authority (renamed the Puget Sound Action Team) continues to maintain a Spill Prevention and Response Program. This program, however, represents a small portion of the Action Team's overall responsibility and receives only a fraction of the agency's resources and budgetary allotment.

C. Current Regulatory Framework

Shortly after the *Exxon Valdez* oil spill, Washington lawmakers ended nearly two decades of relative complacency regarding oil spill legislation and oversight by passing new laws to address oil spill pollution in state waters. In 1990, lawmakers updated state oil spill response policies by setting new standards for oil spill contingency planning and directing the DOE to oversee implementation of new regulations. Then in 1991, lawmakers passed the Oil Prevention and Response Act, establishing the Marine Oversight Board and the Office of Marine Safety (OMS) to enforce new vessel spill prevention requirements. In addition to state legislation, the U.S. Congress overhauled national oil spill policy by passing OPA-90. This landmark legislation updated federal oil spill standards and delegated primary oversight authority to the U.S. Coast Guard and the Environmental Protection Agency (DOE 1997).

Current federal and state oil spill legislation contain provisions to provide funding for spill clean up and response. The federal Oil Pollution Act enforces the "polluter pays" principle, which assigns liability for removal costs and damages of oil spills to the responsible parties (33 USC 2702). If the responsible party is unknown, cannot pay, or refuses to pay, the Federal Oil Spill Liability Trust Fund provides up to $1 billion dollars per spill and no more than $500 million for natural resource damage assessment and claims (26 USC 9509). By comparison, Exxon spent approximately $2.1 billion on clean up efforts following the *Exxon Valdez* spill (EVOSTC 2005).

Washington State law has a similar funding mechanism in place. The Washington State oil spill response and oil spill administration accounts contain funds available for oil spills in the absence of payment by the responsible party(s). Together, these funds provide money for prevention, response, and restoration. One cent of the five cent per barrel oil response tax has been suspended because the fund reached its balance requirement of $9 million, but the state continues to collect four cents for each barrel transported by marine vessels to Washington oil terminals (RCW 82.23B.020; RCW 90.56.500; RCW 90.56.510). The law, however, guarantees a credit against the total five cent per barrel tax for any petroleum exported or sold from the state (RCW 82.23B.040).

In 1997, lawmakers implemented one significant regulatory change by authorizing the elimination of the Marine Oversight Board and the merger of the OMS into the DOE. While the merger helped to centralize response and prevention oversight, it increased the burden on the DOE by adding significant responsibility to the agency. The environmental community opposed the merger, predicting it would lead to complacency, with oil spill prevention

and response programs competing for agency resources. The environmental community's concerns were heightened by the simultaneous elimination of the Marine Oversight Board, which had served as a citizen watchdog on Ecology's spills program.

D. Recent Changes

It wasn't until 1998, following the grounding of the *New Carissa* off the Oregon Coast, that funding was secured to station a seasonal rescue tug at Neah Bay. Since then, the tugboat has successfully responded to 26 distressed vessels (DOE 2005). Despite the spill prevention benefits provided by the rescue tug, Washington has neither provided nor been able to secure year-round funding, which creates seasonal gaps in prevention capacity.

The Washington Legislature again responded to a spill in late 2003 by passing legislation in early 2004. At Point Wells, an oil transfer from an on shore facility to a barge resulted in a 4,800 gallon spill that caused significant damage to a sensitive estuary habitat. The legislature later passed a bill requiring pre-booming during fuel transfer, a measure that would have prevented nearly all impact from this accident.

III. PRINCE WILLIAM SOUND REGIONAL CITIZENS' ADVISORY COUNCIL

The Prince William Sound Regional Citizens' Advisory Council is an independent, industry funded, non-profit corporation. The council is charged with ensuring ongoing vigilant oversight of the oil industry through direct citizen involvement and by promoting partnership between industry, government, and local communities (33 USC 2732).

A. Background

Long before the *Exxon Valdez* oil spill, concerned Alaskan citizens had been calling for independent citizen oversight of the state and federal agencies responsible for regulating the oil industry (PWSRCAC 2002). However, because oil transportation through Prince William Sound had produced no major accidents prior to the *Exxon Valdez* spill (EVOSTC 2005), industry and government had little incentive to consent.

Following the *Exxon Valdez* spill, an abrupt change in the political climate opened the door for new ideas. Anticipating the change, a group of individuals immediately formed the PWSRCAC and approached Alyeska, the Pipeline Service Company that manages the Trans Alaska Pipeline System. At the time, Alyeska President James Hermiller was open to the ideas proposed by the council and, by February 1990, had signed a contract agreeing to provide ongoing funding for the non-profit group (Leland 2005).

While the council members were negotiating their contract with Alyeska, they were also actively working with Alaskan Senator Frank Murkowski on language for an Amendment to OPA-90 (Ibid.). The Amendment would eventually become OPA section 5002, cited as the *Terminal and tanker oversight and monitoring Act of 1990.* Generally, this legislation requires regional citizens' oversight councils for Prince William Sound and Cook Inlet and recommends similar programs for oil terminals across United States. With the groundwork and funding in place, PWSRCAC began work immediately.

B. Mission and Authority

> PWSRCAC Mission Statement: "Citizens promoting environmentally safe operations of the Alyeska Pipeline Service Company terminal in Valdez and the oil tankers that use it (PWSRCAC 2004a)."

The Council's responsibilities, structure, and authority originate from its contract with Alyeska and from OPA-90, section 5002. Because many of the same people who negotiated the Alyeska contract also helped create the wording for OPA-90, the two documents are similar in nature and design (Ibid.).

The contract, which pre-dates OPA-90, is legally binding on its own terms and ensures the funding for the PWSRCAC, "so long as oil continues to flow through the Trans Alaska Pipeline System" (Alyeska and PWSRCAC 1990). Alyeska funding is renegotiated every three years (Ibid.) and currently, provides approximately 85% of the Council's annual budget. Despite Alyeska's financial contribution, the contract requires the absolute independence of the council:

> "The independence and public perception of independence, of the [council] is of overriding importance to the [council] in fulfilling its function and in meeting public needs" (Ibid.).

Section 5002 of OPA-90 codifies and reinforces the contract between Alyeska and PWSRCAC and requires public oversight of oil transportation safety for two regions surrounding the Kenai Peninsula—Prince William Sound and Cook Inlet. The statute establishes the need for these "demonstration programs" based in part on the following two findings. First, the statute recognizes that government and industry complacency contributed to the *Exxon Valdez* oil spill. Second, direct citizen involvement in the oil spill contingency planning process will minimize complacency by helping to develop trust and foster cooperation among stakeholder groups (PWSRCAC 2002).

To ensure the demonstration programs fulfill the requirements outlined in OPA-90, the U.S. Coast Guard conducts annual reassessments. Since 1991, the PWSRCAC has fulfilled those requirements and obtained the necessary certification from the Coast Guard (PWSRCAC 2004a).

C. Organizational Structure

The core of the council is composed of 18 member organizations that include state-chartered cities and boroughs, tribal villages, native corporations, the fishing and tourism industries, and an environmental consortium (PWSRCAC 2004b). The PWSRCAC bylaws refer to these member entities as Class I or voting member entities. The PWSRCAC Board of Directors consists of 19 Class I members – one representative each from 17 of the member organizations and two from the city of Valdez. Board members are appointed for staggered two-year terms with no term limits. In addition, the council provides for ten ex-officio members including state and federal entities. The ex-officio or Class II members provide valuable input but do not have voting privileges (PWSRCAC 1999). The Board is supported by 16 staff associates and four technical advisory committees. Only the staff members receive compensation for their work, though committee and Board members are reimbursed for expenses.

The Board meets quarterly for comprehensive two-day meetings. During the meetings, Board members assess the budget, hear from staff and committees, review the status of projects, and discuss long range plans. In addition, the Board hears from the public and provides sufficient time for an Alyeska representative to comment and offer suggestions (PWSRCAC 2005).

The advisory committees have a combined membership of 35-40, composed primarily of volunteer citizen experts from the local region. The four committees include:

- Scientific Advisory Committee;
- Oil Spill Prevention and Response Committee;
- Terminal Operations and Environmental Monitoring Committee; and
- Port Operations and Vessel Traffic Systems Committee.

The committees work in collaboration with industry and government entities on projects. Also, the committees maintain a connection to the local communities by providing the public with information and opportunities to give input. The council's commitment to outreach is noted and reinforced by Alaska's state and regional and contingency plans (EI 2005).

D. Powers and Duties

PWSRCAC is responsible for minimizing pollution resulting from the movement and handling of crude-oil through Prince William Sound and the Gulf of Alaska. To accomplish this mission, the council's activities include the following three primary functions:

- "Monitor, review, and comment on oil spill response and prevention plans prepared by Alyeska and by operators of oil tankers.
- Monitor, review, and comment on the environmental protection capabilities of Alyeska and tanker operators, as well as on the environmental, social, and economic impacts of their activities.
- Review and make recommendations on government policies, permits, and regulations relating to the oil terminal and tankers" (PWSRCAC 2004a).

The Board obtains information from the committees and through independent research contracts. The four committees specialize in different aspects of pollution control and are responsible for providing the board with information corresponding to their area of expertise. Also, while Alyeska provides the majority of the council's funding for independent research, the Board may obtain grant money to complete projects outside the scope of their contract (Ibid.).

Currently, the PWSRCAC is conducting twenty-six projects organized under five general areas: (1) terminal operations, (2) maritime operations, (3) environmental monitoring, (4) oil spill response, and (5) oil spill planning (PWSRCAC 2005).

E. Accomplishments

While remediation is an essential aspect of crude-oil transportation, prevention is the best guarantee against long-term damage to the economy and ecology of coastal regions. Accordingly, the PWSRCAC has concentrated its efforts on new preventative measures. The following four achievements alone have and will significantly improve crude-oil transportation safety in Prince William Sound:

- Working with Congress and the Coast Guard on Section 4115 of OPA to require that all oil tankers in U.S. waters be equipped with double-hulls by the year 2015.
- Leading a collaborative effort to implement an innovative ice detection radar system for the PWS region.
- Helping with a study that resulted in a "world-class system of escort tugs" that currently operates in PWS. The Alyeska Ship Escort/Response Vessel System (SERVS) manages the tug operation, which includes five 10,000 horsepower tugboats (Ibid.).
- Launching the "Strategic Reconfiguration Project", a multi year project to reengineer or replace the major components of the Alyeska terminal (PWSRCAC 2004a).

Other significant achievements by the council include: creating a guidebook for helping communities cope with oil spills and other catastrophes; influencing the EPA to require equipment that captures oil vapor released into the air during oil transfer operations; working with Alyeska to improve their fire protection system; leading a campaign to create improved near shore response plans (Geographic Response Strategies) for all of Alaska; and spearheading the effort to prevent oil tankers from introducing non-indigenous species into the Prince William Sound (PWSRCAC 2004b). These and other achievements by the council help illustrate how direct citizen involvement can foster the partnerships necessary to maintain ongoing vigilance.

F. Discussion

In order of importance, funding, independence, cooperation, and access are the primary components of the PWSRCAC citizens' oversight model responsible for its success (Leland 2005).

Funding

For the first three years of operation, Alyeska provided the council $2 million per year. Today, that amount is $3.3 million. Furthermore, the contract between the two organizations guarantees a system of payments that cannot be changed without consent from both parties (PWSRCAC 2004b).

With the money available, the council has been able to hire and maintain professional support staff in two offices, one in Anchorage and one in Valdez. Also, the money has been critical to ensure both a sufficient quantity and quality of research. The council pays for many ongoing and simultaneous research projects conducted by highly regarded research organizations like the Smithsonian Environmental Research Center. Finally, Alyeska provides the money necessary to transform research and information into new programs and innovations that maximize the effectiveness of oil spill response and prevention policies.

October 31, 2004 PWSRCAC Budget Status Report – Expenses

Projects	$2,276,647
Board of Directors (Administration, meetings, etc.)	$161,200
Committee Expenses	$139,912
General Administrative	$739,965
Contingency and Reserve	$263,645

Source: PWSRCAC Website
http://www.pwsrcac.org/brdmtg_dec04/2-2.pdf

Independence

The contract with Alyeska provides for the council's independence from industry interference. The contract states:

> "Alyeska shall have no right to be a member, to have representatives on the board of directors, or to have any degree of control over the formation or operation of the corporation" (Alyeska and PWSRCAC1990).

Independence from Alyeska and from state and federal authorities prevents political and economic consideration from influencing the council's decision making process or altering its objectives. This, in turn, helps the council to stay productive and focused on its mission.

Cooperation

The council has been able to foster the partnerships that allow industry, government, and the public to work collaboratively. The council has helped to transform the system of mistrust and confrontation that was exposed during the *Exxon Valdez* spill to a system of consensus and cooperation. These partnerships promote the sharing of ideas that leads to informed productive decision making and oversight. Each of the council's projects and accomplishments has represented the collaborative efforts of industry, government, and the public.

Access

The council has been able to accomplish many of their objectives in a relatively short period of time because Alyeska is contractually obligated to provide them access to information as well as to physical infrastructure (Leland 2005). Physical access is critical because it allows the PWSRCAC to detect problems and evaluate conditions relating to the terminal facilities, the working conditions, and the overall operations. Access, for example, has played a significant role with the council's oversight of the Alyeska "Strategic Reconfiguration Project".

Access to information is also invaluable to the council. Information helps PWSRCAC experts and scientists to determine areas of weakness and identify avenues for improvement. Furthermore, information engenders the transparency necessary for the council to fulfill its obligation to inform the public and include their direct participation and input into the process.

IV. ESTABLISHMENT OF A PUGET SOUND REGIONAL CITIZENS' ADVISORY COUNCIL

> I hope that you are wiser and luckier than we were, and that it won't take a disaster to convince you of the importance of citizens' oversight for preventing oil spills.
>
> *~Marilyn Leland, Deputy Director to PWSRCAC, 2005~*

Late on October 13th 2004, a then unknown source spilled approximately 1,000 gallons of oil into the Puget Sound Dalco Passage. By 1 a.m. on the 14th, an experienced tugboat captain had reported the spill; yet officials failed to respond until late afternoon. The 1,000 gallon spill, which oiled 21 miles of shoreline, revealed the inadequacy of regional prevention and response measures.

The citizens and communities of Washington continue to endure unnecessary exposure to the persistent threat of oil spills. Ironically, the citizens and communities who have the most to lose from a major oil spill in Puget Sound have the least to say with regard to regional oil spill policies. Moreover, the lack of effective mechanisms to incorporate the informed contributions of local citizens and groups into oil spill prevention and response strategies engenders the same climate of complacency and conflict that contributed to the *Exxon Valdez* oil spill in 1989.

Prior to 1989, concerned Alaska citizens had been calling for citizens' oversight of the oil industry, but it took the *Exxon Valdez* to make it happen. As a region, Puget Sound has the opportunity to learn from the mistakes that led to that spill and avoid a similar catastrophe. The PWSRCAC model, which has shaped one of the most vigilant and progressive oil spill prevention and response programs in the world, provides an impressive example for Washington to follow.

A. Puget Sound – Unstable Ecosystem and Congested Waterways

Puget Sound is a magnificent natural resource composed of a vast network of ocean tides, rivers, streams, salt marshes, and aquatic wetlands. The region's abundant wildlife and biological diversity provide irreplaceable economic, cultural, and environmental benefits to local inhabitants.

Unfortunately, a growing human population continues to pressure the natural environment, jeopardizing the health and vitality of Puget Sound. The Sound has been exposed to years of pollution, over fishing, and habitat destruction. With the ecosystem in decline, the regional environment could not withstand a major oil spill—"…the greatest short-term threat to coastal organisms" (NOAA 2002) and by extension, to the entire marine environment.

Puget Sound is also home to some of the world's busiest shipping lanes shared by recreational boaters, commercial fishers, passenger ships, cargo ships, oil tankers, navy vessels, ferries, and tugboats. The United States Coast Guard Vessel Traffic Service -- Puget Sound monitors 250,000 vessel movements each year (VTS 2005). Compounded by

bad weather, rough seas, and narrow channels, the waters of Puget Sound and Northwest Straits are highly susceptible to accidents and oil spills. Furthermore, Puget Sound is a major center for refining petroleum. On a daily basis, Puget Sound refineries use tanker vessels to import and export a combined 35.7 million gallons of oil (PSAT 2001).

Decades of overuse and mismanagement threaten the health of Puget Sound. The natural environment, which provides unlimited economic, cultural, and environmental benefits to those who live in and visit this region, is threatened by an expanding human population. Furthermore, busy shipping lanes and large oil tankers present a constant threat of accidents and oil spills. It is, therefore, imperative to have oil spill policies in place that ensure constant vigilance, that focus on prevention, and that provide the maximum level of protection possible.

B. Conditions that Perpetuate Oil Spills and Lead to Complacency

Despite the high risk and potential for loss, the Puget Sound oil spill prevention and response system continues to falter. The recent Dalco Oil Spill is just another example of the failure of the current system. While each new accident has a unique set of circumstances leading up to the event, the underlying conditions that perpetuate these mishaps are the same.

Ineffective Citizen Involvement

One significant factor contributing to insufficient and inadequate oil spill policies is the lack of effective citizen involvement mechanisms. Not only do citizens and local communities have the most to lose from a major oil spill, they also represent a largely untapped resource of information. The Oil Pollution Act of 1990 recognizes this, suggesting that citizen involvement is essential for preventing the complacency that can lead to major oil spills (33 USC 2732).

To be effective, a public involvement model must have the following elements:

(1) a means to keep the public informed,
(2) an opportunity for the public to give their input,
(3) a willingness by the public to offer their time and expertise, and
(4) procedures for incorporating public input into policy.

Various committees, councils, and taskforces provide Puget Sound citizens opportunities to lend input; yet participation is minimal (EI 2005). Although agencies are legally required to solicit public input on policies and regulations, this too is ineffective. Since participation is sporadic, citizen input tends to be uninformed and half-hearted, especially because there is no guarantee that officials will ultimately use the input to form policy. A report just released by the Washington Oil Spill Early Action Taskforce and the DOE describes the opportunities for public input into Washington oil spill policies as "fractionalized at best" and "not designed to seek and obtain informed input" (Ibid.).

Conflict

Cooperation among all stakeholders – government, industry, and citizens – is an essential to the efficacy of oil spill prevention and response measures (EI vii). OPA-90 states that "a mechanism should be established which fosters the long-term partnership of industry, government, and local communities…" (USC 2732). In Washington, the relationships and interaction among the stakeholders is adversarial, limiting the effectiveness of regional oil spill prevention and response efforts (EI 2005).

Finite Resources and Competing Agency Demands

No one entity has the sole responsibility to manage and oversee the marine oil spill prevention and response system for Puget Sound. State and federal agencies responsible for different aspects of oil spill prevention and response struggle to balance the competing demands for time and resources. The DOE, for example, responds to all hazardous materials spills, including land based spills and hazardous methamphetamine labs, this latter group requiring a large portion of agency's resources and attention.

Each new oil spill raises the same questions and concerns and often results in new laws, regulations, and temporary vigilance by agencies and lawmakers. These responses, however, are episodic and short lived. Faced with limited funds and competing priorities, government agencies divert resources to different programs. As vigilance diminishes and complacency sets in, the risk of future oil spills increases dramatically, and there is no guarantee that the next one won't be catastrophic.

C. Prevention - Best Possible Protection

Prevention provides the only guaranteed protection against the harmful impacts of oil spills. Even in the best conditions and with most advanced technologies, total cleanup of an oil spill is virtually impossible. This is especially true in Puget Sound with miles of exposed shoreline, numerous islands, federally protected and sensitive marine habitats, and deep channels with minimal circulation**.** A massive oil spill in Puget Sound, one even close to the magnitude of the Exxon Valdez disaster, would spread quickly, crippling the ecology and devastating the shoreline and its communities for decades.

Puget Sound is a notably more complex and diverse region than Prince William Sound. The Washington coast is more densely populated, creating busy traffic lanes and a constant strain on the environment. Regulators must oversee the operation of an immense ferry system, the commercial fishing industry, countless recreational and cargo vessels, and multiple oil companies and transfer terminals. As lawmakers struggle to balance the competing demands of a growing region, agency officials are forced to grapple with conflicting directives and limited budgets. These issues, however, should not excuse a strained spill prevention and response program. Rather, they warrant a system that supports ongoing progress and utilizes the best available technology and information to provide the best possible protection.

Over the past fifteen years, the Washington State and federal oil spill programs have developed better prevention and response programs for Puget Sound. The current system, however, must continue to improve. For example, Washington still lacks a coherent, fishing vessel response program even though state waters are home to many capable commercial fishing crews. By comparison, over 350 vessels are certified by the United States Occupational Health and Safety Administration to respond to oil spills in Prince William Sound (Copeland 2005). In addition, Washington continues to struggle to fund one part-time rescue tugboat at Neah Bay while Alyeska has access to five year around tugboats in Prince William Sound. Until Washington starts to exercise constant vigilant oversight of oil spill programs, Puget Sound will not have the best protections possible.

Funding continues to dominate the debate and delay the establishment of a Puget Sound Regional Citizens' Advisory Council. Yet funding provides the most convincing reason to end the delay. The *Exxon Valdez* oil spill cost Exxon approximately $2.1 billion in cleanup expenses, a fraction of the estimated $1.5 million annual budget necessary to fund a mostly volunteer citizens' advisory council (EVOSTC 2005; EI 2005). Moreover, Washington already has a number of potential funding sources available including the per barrel tax on petroleum products received by marine terminals on state waters. A combination of these taxes, fees on the cargo industry, repeal of the five-cent per barrel credit for oil exported from Washington, and development of a grant program could limit the burden on the state while providing ample funding for citizen oversight.

D. Conclusion

After the intense investigations following the Exxon Valdez, the U.S Congress determined that citizen involvement, in partnership with government and industry**,** is essential for preventing the complacency that led to the *Exxon Valdez* (33 USC 2732). Since then, the PWSRCAC has utilized direct citizen involvement to develop one of the best and most vigilant oil spill prevention programs in the world. Washington has the opportunity and obligation to capitalize on this success by implementing a similar model, one that guarantees the involvement of those with the most to lose from an oil spill—tribes, commercial and recreational fishers and shellfish growers, local governments, the tourism industry, shoreline residents, and conservation organizations. While the details of an effective oil spill program will be different in Puget Sound than in Prince William Sound, direct citizen involvement is the key to ensure the same vigilance and cooperation exemplified by the successful PWSRCAC.

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A. Reference Abbreviations

DOE	Washington State Department of Ecology
EI	Environmental International Ltd.
EVOSTC	Exxon Valdez Oil Spill Trustee Council
NOAA	National Oceanic and Atmospheric Administration
OMS	Washington State Office of Marine Safety
PSAT	Puget Sound Action Team
PSWQA	Puget Sound Water Quality Authority
PWSRCAC	Prince William Sound Regional Citizens' Council
RCW	Revised Code of Washington
USCG	United States Coast Guard
VTS	United States Coast Guard Vessel Traffic System

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